REMARKS

As a preliminary matter, attention is directed to the Information Disclosure Statement (IDS) submitted herewith.

The above amendments have been made for formal reasons and to expedite prosecution. The amendments have been made without waiver or prejudice. Applicants reserve the right to file one or more divisionals or continuations directed to subject matter not presently in the claims, including subject matter now outside the scope of the claims due to the instant amendments.

Claims 9-13 have been canceled due to the previous restriction requirement as being directed to non-elected subject matter.

Claims 4-8 have been canceled as well.

The above amendments to claims 1 and 3-8 limit the invention to a method of treating wounds in a patient which comprises treating the patient with an effective amount of 5-[2-ethoxy-5-(4-ethylpiperazin-1-ylsulphonyl)pyridin-3-yl]-3-ethyl-2-[2-methoxyethyl]-2,6-dihydro-7H-pyrazolo[4,3-d]pyrimidin-7-one. Support for the amendment is at page 5, lines 7-8. The compound just mentioned is disclosed in WO 01/27113, which has been cited as an item of information in the IDS submitted herewith.

Claims 4-5 were rejected under 35 USC §112, second paragraph. Applicants do not necessarily agree with the rejection. However, it is respectfully submitted that the rejection has been obviated by the cancellation of claims 4 and 5. Withdrawal of the rejection is respectfully requested.

Claims 1, 3-8 stand rejected under 35 USC 102(e) over Parks et al., US 6,391,869. The Examiner stated, *inter alia*, that

> Parks et al teach a composition and method for treating anorectal disorders such as anal ulcers or anal fissures, wherein the composition comprising therapeutically effective amount of a phosphodiesterase V inhibitor such as sildenafil, zaprinast, or dipyramidole, see abstract, column 12, lines 57-65 and examples 5-7, 9 & 12. [Office Action, page 5]

Applicants do not necessarily agree with the rejection. However, in view of the amendments to the claims, it is submitted that the rejection has been overcome as Parks clearly does not teach a method employing the compound required by the amended claims. Withdrawal of the rejection is accordingly respectfully requested.

Claim 1 stands rejected under 35 USC 103(a) over Yamamoto abstract or Fritz abstract. The Examiner stated, in pertinent part

> Yamamoto teaches that dipyramidole (PDE-5 inhibitor) is effectively used in the treatment of livedo vasculitis (i.e., leg ulcers), see entire abstract.
>
> It is well known in the art that dipyramidole is PDE-5 inhibitor. Also it is noted that chronic venous ulcer is known as venous leg ulcers as evidenced by applicant's own admission (see instant specification 1, lines 17-19). Thus the critical elements required by the instant claims are taught by the cited reference.
>
> Fritz also teaches that dipyramidole (300mg/day) is effectively used in the treatment of ulcerated plaques or patient having carotid artery stenosis, see abstract. As evidenced by applicant's own admission (see, instant specification 1, lines 22-25), chronic arterial ulcers are caused by plaques in the arteries. Therefore, it would have been envisaged that the effective treatment using pyramidole (300mg/day) for ulcerative plaques results in the improvement of chronic arterial ulcers. Thus the claimed subject matter is taught by the cited reference and properly included in the rejection. [Office Action. Pages 4-5]

Applicants do not necessarily agree with the rejection. However, it is submitted that the rejection has been obviated by the instant amendments. Neither Yamamoto nor Fritz teaches or suggests a method employing the compound required by the amended claims. It is well accepted that in order for an obviousness rejection to lie, the prior art must in some way supply a suggestion to do that which Applicant has invented, and must also provide a reasonable expectation of success. American Hospital supply Corp. v. Travenol Laboratories, Inc., 223 USPQ 577, 582 (Fed. Cir. 1984). The Federal Circuit has explained the proper test:

> The consistent criterion for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this process should be carried out **and would have a reasonable likelihood of success**, viewed in light of the prior art. **Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure** (emphasis added).

In re Dow Chemical Co., 5 USPQ.2d 1529, 1531 (Fed. Cir. 1988); Amgen, Inc. V. Chugai Pharmaceutical Co. Ltd. 18 USPQ.2d 1016. 1022-23 (Fed. Cir.), cert. denied, 502 U.S. 856 (1991). Neither Yamamoto nor Parks provides such a suggestion or an expectation of success. Withdrawal of the rejection is accordingly respectfully requested.

No other issues are outstanding.

In view of the foregoing comments and amendments, this case is believed to be in condition for allowance, and a Notice of Allowance is courteously solicited.

Respectfully submitted,

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